

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 12, 2003

DIVISION ONE

B165528 People (Not for Publication)
v.
Charles Newman

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B164228 People v. Floyd
B162145 People v. Martinez
B161897 People v. Turner
B146504/B164935 People v. Magana
B160663 People v. Williams
B160388 People v. Gaines, et al.
B164487 People v. Quevedo

Argument waived, cause submitted.

DIVISION THREE (Continued)

B163093 Fox, et al.
 v.
 Regents of the University of California

Merits:
Argued by Kevin H. Park for appellants and by Martin Stein for
respondent. Cause submitted.

B157384 Souza
 v.
 Slavich, et al.

Merits:
Argued by Beth Shenfeld for appellant and by Jill Thomas for respondents.
Cause submitted.

B162117 Magoo
 v.
 Law Firm of Larry H. Parker, et al.

Merits:
Argued by Samuel F. Trussell for appellant and by William J. Baron for
respondents. Cause submitted.

B157525 Nworji
 v.
 Rio Hondo College, et al.

Merits:
Argued by Anthony O. Egbase for appellant and by John Allen for
respondents. Cause submitted.

Court recessed at 10:58 a.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

August 12, 2003 (Continued)

DIVISION THREE (Continued)

B165083 Downey Land Limited
v.
The John M. Probandt Co., LLC

Merits:
Argued by Jeffrey Singer for appellant and by Lawrence House for respondent. Cause submitted.

Court adjourned at 2:03 p.m.

DIVISION FOUR

[illegible]

The order is reversed and the cause remanded for further proceedings consistent with this opinion. The parties are to bear their own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B163761 People
v.
Ezell

Filed order denying petition for rehearing.

DIVISION FIVE

B162648 People (Not for Publication)
v.
Atef Haddad

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

B155220 Karen Smith Rodriguez (Not for Publication)
v.
Mary Ann Plunkett, et al.

The order dismissing the second amended complaint is reversed with respect to the first and second causes of action. In all other respects, the dismissal order is affirmed. Plaintiff, Karen Smith Rodriguez, is to recover her costs on appeal, jointly and severally, from defendants, Mary Plunkett and Valley Industries Federal Credit Union.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B164451 Valley Cancer Institute, et al. (Not for Publication)
v.
Edison E. Obando

The order denying the special motion to strike is affirmed. Plaintiffs, Valley Cancer Institute and Haim I. Bicher, M.D., are entitled to recover their costs on appeal from defendant, Edison E. Obando.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

DIVISION FIVE (Continued)

B159910 Elvira Samano-Olaiz (Not for Publication)

v.

Ramos Medical Associates, Inc., et al.

The judgment is reversed. Appellant to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.

 Mosk, J.

B162830 People (Not for Publication)

v.

Aaron Nelson

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.

 Mosk, J.

B133309 People (Not for Publication)

v.

Clarence Smith

The judgment is reversed.

Armstrong, J.

We concur: Grignon, Acting P.J.

 Mosk, J.

B164036 In re Myron Cruse on Habeas Corpus

Filed order denying petition for rehearing.

DIVISION SIX

B160695 People (Not for Publication)
v.
Diaz

The judgment is modified to award appellant the following credits: 172 days of actual local time, 86 days of local conduct credits under Penal Code section 4019, and 64 days of actual time served in the custody of the Department of Corrections, for a total of 322 days. The clerk of the superior court shall prepare an amended abstract of judgment and accompanying minute order and shall forward copies of both of those documents to the Department of Corrections.

The amended abstract of judgment shall specify that sentence was pronounced on May 15, 2001. The minute order shall specify that the 64 days of credit for actual time served in the custody of the Department of Corrections includes time served between the pronouncement of sentence on May 15, 2002 and the clarification of sentence on July 17, 2002. It shall also specify that appellant's entitlement to conduct credits for the period between May 15, 2002 and July 17, 2002 shall be determined by the Department of Corrections. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B158931 Garcia (Certified for Publication)
v.
Garcia

The judgment is affirmed. Costs are awarded to father.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

August 12, 2003 (Continued)

DIVISION SIX (Continued)

B165846 People (Not for Publication)
v.
Henderson

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B164554 The People
v.
Seymour

Filed order dismissing the appeal as moot.

B162358 Mission Bell Plaza
v.
Redevelopment Agency of the City of Moorpark

Filed order denying petition for rehearing.